

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

June 12, 2006

PRESENT: Tom Cowan, Chairman
Terry Janicz
John Olaf
Andy Kelkenberg
John Potera
Christine Falkowski, Recording Clerk
Rebecca Baker, Zoning Officer
John Good, Interim Building Inspector

ABSENT: Rick Meahl
Don Hoefler

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

Site Plan Application – 12364 Main Road – Nicholas, Perot, Smith, Bernhardt & Zosh

Charlie Nadler appeared. This law firm would like to install two pre-built 408 sq. ft. storage sheds. The purpose of the sheds is for storage of legal files. They will be placed on stone pads directly behind the existing building. Landscape screening will be put along the west side of the sheds. Erie County Planning reviewed the proposed action and had no recommendation.

Terry made a motion to recommend approval of the site plan dated 10/9/99 (received 5/8/06) to the Town Board, seconded by Andy:

Tom Cowan	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Andy Kelkenberg	-Aye
John Potera	-Aye

Preapplication Conference – Site Plan/Special Use Permit – Buffalo Shooting Club, Inc.

Ted McHugh appeared. The Club has been operating for 64 years; they have 170 members, approximately 50 of which are active. They are open 15 hours per week on Wednesday evenings and Saturday and Sunday. Three to four times per year, they have large crowds (125 people) for two-day shoots. They require about 20 concrete pads for camping trailer spots. These trailers would require a holding tank, which would be pumped out as necessary. They only use lighting in the summer at night. They also plan to build a clubhouse and/or storage shed of approximately 3,500 square feet. The Buffalo Shooting Club's Amherst location was on 30 acres with 2,000 feet of frontage, and was sold to Benderson Development. The Club invested \$50,000 over the past year in a Town of Pembroke location, but their project was turned down due to public outcry and necessary rezoning. They are now looking to purchase approximately 175 acres from Lafarge in the Town of Newstead bordering the Thruway at the south. The only access to this area is through Billo Road in the Town of Alden. Billo Road is not plowed or maintained by Newstead or Alden. If they make a significant investment and pay taxes, we may need to consider plowing Billo Road (share with Alden?). They need 300 yards for safe shotgun shooting (no rifles or handguns), and they use a light load (unlike hunting). There are large ponds on this previously mined site that are emerging wetlands. The golf course is pumping water out of the largest one. They may need to raise up the land to avoid polluting the ponds/groundwater. The DEC regulates lead shot, which is not allowed over water. The lead that collects on land is recycled/re-mined every 8 – 10 years. When the property is purchased, Mr. McHugh will proceed with a site plan application.

Site Plan/Special Use Permit Application – Use Auto Sales - 11720 Main Road – Thomas Blair

Mr. Blair appeared and submitted a hand-drawn plan of his proposed used car sales site. He lives at this address, and the property slopes down to the north toward his home. The slope begins at 56' and then drops off. He is proposing an 8,100 sq. ft. paved area at the road, which will require a stormwater management plan unless it is reduced to less than 5,000 sq.ft. NYSDOT's setback regulation at this location is 52', and they require one customer off-street parking spot for every four cars. Mr. Blair plans on displaying 3 – 4 cars at one time. Each vehicle requires a 9' x 20' space. Millings are OK as long as it is compacted properly. John Good offered to go through the parking spots with him at the site. The Overlay Zone requires a 50' greenspace between the ROW and parking area. Tom stated the Planning Board may be able to waive 25' – 30'. Mr. Blair does not propose a new building or lighting. He will need to provide a detailed site plan showing a drainage plan, signage, curbstones at the drop-off, greenspace and landscaping.

Site Plan Application – 11986 Main Road – The Dog House

Dave Hasert appeared. A site plan was submitted proposing a six-bay 1,240 sq. ft. storage garage for personal use. There will be no commercial activity associated with the garage. A sand volleyball court is shown on the site plan, which is not on their property. It was suggested they get permission from NYSEG, and Dave offered to remove it. A violation letter was recently sent for a number of issues. The dumpster needs to be moved behind the fence, there are 7 – 8 signs without permits, some of which are in the ROW, and none of which can be blinking. NYS Liquor Authority must have approved the OTB operation. Dave didn’t know if there was a legal curb cut for the driveway from NYSDOT. The stream adjacent to the proposed garage is a Type C stream, and there are no NYSDEC regulations governing it. Therefore, the location in relation to the top of bank is OK. The sign for J&D Merchandising is a thrift/antique store on the third floor. There is no handicap access. An exterior ramp takes you to the back door on the third floor and then to a set of stairs. Dave stated he would turn it back into an apartment vs. installing an elevator for ADA compliance. This will require application for a change in use permit, which is required each time a property use changes. The site plan was sent to Erie County Planning for review on May 25, 2006.

Terry motioned to recommend approval of the site plan dated May 19, 2006 to the Town Board with all the following conditions met: (1) Application submitted for change-in-use from J&D Merchandising to an apartment and removal of the J&D sign (2) Volleyball net removed or permission provided in writing (3) Shed “for sale” removed (4) Signage without permits be removed or sign permits applied for (5) Documentation provided from NYSDOT for driveway curb cut and (6) Dumpster screened; seconded by John Olaf:

- Tom Cowan -Aye
- Terry Janicz -Aye
- John Olaf -Aye
- Andy Kelkenberg -Aye
- John Potera -Aye

Minutes Review

Andy motioned to approve the minutes of May 15, 2006 as amended, seconded by John Olaf:

- Tom Cowan -Aye
- Terry Janicz -Aye
- John Olaf -Aye
- Andy Kelkenberg -Aye
- John Potera -Aye

Major Subdivision – Stage & Havens

The Town’s road standards need to be revised. The Board did not feel that creating a one-acre park on this site would be warranted vs. collecting the greenspace fee. There will be no sewer package-treatment plant; on-site septic with injection wells instead. The one-acre lots are planned to sell for \$45,000 and the 5-acre lots for \$100,000. Mike Bassanello wants curbs and sidewalks. Andy suggested 5-acre farmettes (no curbs and sidewalks). There is no water line down Havens Road now, but would be required. The plan calls for 3,961 linear feet of road. John Good stated the overall cost per linear foot is \$1,700, which would amount to \$6.7Million. Even if the cost were \$500 per LF, it would amount to a \$1.9Million investment. Lot #14 is a one-acre lot, Mr. Tatara has a buyer, and a \$300,000 model home is planned. Could he apply for this minor subdivision now? Yes.

Town of Clarence – Right-to-Farm Ordinance

The Right-to-Farm Law currently lies with Erie County, and Clarence adopted it locally in 2003. Does Newstead want to adopt it also? The Board stated that real estate closings in rural communities require the buyer to sign documentation that they’ve been notified it is a farming community.

John P. made a motion to adjourn the meeting at 9:45PM, seconded by Terry and all approved.

Respectfully submitted,

Christine Falkowski
Recording Clerk